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Public Safety Wireless Network

Saving Lives and Property Through Improved Interoperability

April 13, 2001

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Magalie Roman Salas, Esq.
Secretary
Federal Communications Commission
TW-A325
445 Twelfth Street, SW
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Re: Ex Parte Letter In the Matter of the 4.9 GHz Band Transferred from
Federal Government Use, in WT Docket No. 00-32**

Dear Ms. Salas:

On behalf of the Public Safety Wireless Network (PSWN) Program and pursuant to Section 1.1204-1.206 of the Commission's Rules, 47 C.F.R. § 1.1204-1.1206 (2000), enclosed herewith for filing are an original and four (4) copies of the PSWN Program's ex parte letter to FCC Chairman Michael K. Powell in the above-referenced proceeding.

Should you require any additional information, please contact the undersigned.

Respectfully submitted,

Brigadier General Paul H. Wieck II
Iowa Army National Guard
Chair, PSWN Executive Committee
Spectrum Working Group

Steven Proctor
Executive Director,
Utah Communications Agency Network
Executive Vice-Chair,
PSWN Executive Committee

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: 4.9 GHz Spectrum Reallocation, WT Docket No. 00-32

Dear Chairman Powell:

The Public Safety Wireless Network (PSWN) Program wishes to join other members of the public safety community in responding to the prospective commercial auction of spectrum in the 4940-4990 MHz band (4.9 GHz band).

Last year, the PSWN Program submitted Reply Comments pursuant to the Commission's Notice of Proposed Rulemaking (NPRM) in this proceeding. In this document the PSWN Program concurred with other entities that had expressed concern with the Commission's tentative conclusion to auction off the entire 4.9 GHz band for commercial use.¹ These entities, as did the PSWN Program, emphasized that the pending reallocation of 24 MHz of spectrum in the 764-776 MHz and 794-806 MHz bands (the 700 MHz band) had not effectively satisfied the recommendations of the Commission's Public Safety Wireless Advisory Committee (PSWAC).²

¹ PSWN Program Reply Comments to NPRM, *In the Matter of The 4.9 GHz Band Transferred from Federal Government Use*, WT Docket No. 00-32, May 17, 2000 at Para. 4-6.

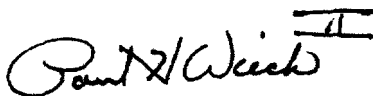
² See, e.g., Federal Law Enforcement Wireless Users Group (FLEWUG) Comments to NPRM, *In the Matter of The 4.9 GHz Band Transferred from Federal Government Use*, WT Docket No. 00-32, April 26, 2000.

Furthermore, the PSWN Program expressed agreement with those parties who believe that the 4.9 GHz band is suitable for public safety use or otherwise best utilized other than for the type of commercial services anticipated under the current auction scheme.³

Lastly, PSWN Program concurred with parties who suggested that the 4.9 GHz band should be allocated for public safety use, free of charge, if the band did not draw significant commercial interest (i.e. low bids or an absence of bidders).⁴

The PSWN Program renews these positions here. The PSWN Program thereby joins others throughout the public safety community in requesting Commission to once again carefully consider these positions as originally propounded by the PSWN Program, and as reinforced by numerous letters recently filed by both the original commenters to the NPRM, as well as by other public safety agencies at all levels of government. The PSWN Program specifically urges the Commission to re-examine its preliminary conclusion regarding the sufficiency of the BBA 97 spectrum allocations to fulfill the needs of the public safety community, and its decision in light thereof to seek a commercial bidder for the 4.9 GHz band.

Respectfully submitted,



Brigadier General Paul H. Wieck II
Iowa Army National Guard
Chair, PSWN Executive Committee
Spectrum Working Group



Steven Proctor
Executive Director,
Utah Communications Agency Network
Executive Vice-Chair,
PSWN Executive Committee

Cc: **SERVICE LIST** (attached)

³ *Id.* at Para. 7.

⁴ *Id.* at Para. 8–9.

SERVICE LIST

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